

**53B-7-101. Combined requests for appropriations -- Board review of operating budgets -- Submission of budgets -- Recommendations -- Hearing request -- Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.**

(1) (a) The board shall recommend a combined appropriation for the operating budgets of higher education institutions for inclusion in a state appropriations act.

(b) The board's combined budget recommendation shall include:

(i) employee compensation;

(ii) mandatory costs, including building operations and maintenance, fuel, and power;

(iii) mission based funding described in Subsection (2);

(iv) statewide and institutional priorities, including scholarships, financial aid, and technology infrastructure; and

(v) unfunded historic growth.

(c) The board's recommendations shall be available for presentation to the governor and to the Legislature at least 30 days prior to the convening of the Legislature, and shall include schedules showing the recommended amounts for each institution, including separately funded programs or divisions.

(d) The recommended appropriations shall be determined by the board only after it has reviewed the proposed institutional operating budgets, and has consulted with the various institutions and board staff in order to make appropriate adjustments.

(2) (a) The board shall establish mission based funding.

(b) Mission based funding shall include:

(i) enrollment growth; and

(ii) up to three strategic priorities.

(c) The strategic priorities described in Subsection (2)(b)(ii) shall be:

(i) approved by the board; and

(ii) designed to improve the availability, effectiveness, or quality of higher education in the state.

(d) When recommending an allocation of mission based funding to a doctorate-granting university, as defined by the board, or Southern Utah University, the board shall place greater emphasis on the university's fulfillment of the strategic priorities described in Subsection (2)(b)(ii).

(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest amount of growth to doctorate-granting institutions and Southern Utah University.

(f) Concurrent with recommending mission based funding, the board shall also recommend to the Legislature ways to address funding any inequities for institutions as compared to institutions with similar missions.

(3) (a) Institutional operating budgets shall be submitted to the board at least 90 days prior to the convening of the Legislature in accordance with procedures established by the board.

(b) Funding requests pertaining to capital facilities and land purchases shall be submitted in accordance with procedures prescribed by the State Building Board.

(4) (a) The budget recommendations of the board shall be accompanied by full explanations and supporting data.

(b) The appropriations recommended by the board shall be made with the dual objective of:

(i) justifying for higher educational institutions appropriations consistent with their needs, and consistent with the financial ability of the state; and

(ii) determining an equitable distribution of funds among the respective institutions in accordance with the aims and objectives of the statewide master plan for higher education.

(5) (a) The board shall request a hearing with the governor on the recommended appropriations.

(b) After the governor delivers his budget message to the Legislature, the board shall request hearings on the recommended appropriations with the appropriate committees of the Legislature.

(c) If either the total amount of the state appropriations or its allocation among the institutions as proposed by the Legislature or its committees is substantially different from the recommendations of the board, the board may request further hearings with the Legislature or its appropriate committees to reconsider both the total amount and the allocation.

(6) The board may devise, establish, periodically review, and revise formulas for its use and for the use of the governor and the committees of the Legislature in making appropriation recommendations.

(7) (a) The board shall recommend to each session of the Legislature the minimum tuitions, resident and nonresident, for each institution which it considers necessary to implement the budget recommendations.

(b) The board may fix the tuition, fees, and charges for each institution at levels it finds necessary to meet budget requirements.

(8) (a) Money allocated to each institution by legislative appropriation may be budgeted in accordance with institutional work programs approved by the board, provided that the expenditures funded by appropriations for each institution are kept within the appropriations for the applicable period.

(b) A president shall:

(i) establish initiatives for the president's institution each year that are:

(A) aligned with the strategic priorities described in Subsection (2); and

(B) consistent with the institution's mission and role; and

(ii) allocate the institution's mission based funding to the initiatives.

(9) The dedicated credits, including revenues derived from tuitions, fees, federal grants, and proceeds from sales received by the institutions are appropriated to the respective institutions and used in accordance with institutional work programs.

(10) Each institution may do its own purchasing, issue its own payrolls, and handle its own financial affairs under the general supervision of the board.

(11) (a) If the Legislature appropriates money in accordance with this section, it shall be distributed to the State Board of Regents and higher education institutions to fund the items described in Subsection (1)(b).

(b) During each general session of the Legislature following a fiscal year in which the Legislature provides an appropriation for mission based funding, the board and institutions shall report to the Legislature's Higher Education Appropriations Subcommittee on the use of the previous year's mission based funding, including

performance outcomes relating to the strategic initiatives approved by the board.

Amended by Chapter 73, 2011 General Session

**53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

(1) If an institution within the State System of Higher Education listed in Section 53B-1-102 considers increasing tuition rates for undergraduate students in the process of preparing or implementing its budget, it shall hold a meeting to receive public input and response on the issue.

(2) The institution shall advertise the hearing required under Subsection (1) using the following procedure:

(a) The institution shall advertise its intent to consider an increase in student tuition rates:

(i) in the institution's student newspaper twice during a period of 10 days prior to the meeting; and

(ii) on the Utah Public Notice Website created in Section 63F-1-701, for 10 days immediately before the meeting.

(b) The advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which shall not be less than seven days after the day the second advertisement is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase.

(3) The form and content of the notice shall be substantially as follows:

**"NOTICE OF PROPOSED TUITION INCREASE**

The (name of the higher education institution) is proposing to increase student tuition rates. This would be an increase of \_\_\_\_\_ %, which is an increase of \$\_\_\_\_\_ per semester for a full-time resident undergraduate student. All concerned students and citizens are invited to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

(4) (a) The institution shall provide the following information to those in attendance at the meeting required under Subsection (1):

(i) the current year's student enrollment for:

(A) the State System of Higher Education, if a systemwide increase is being considered; or

(B) the institution, if an increase is being considered for just a single institution;

(ii) total tuition revenues for the current school year;

(iii) projected student enrollment growth for the next school year and projected tuition revenue increases from that anticipated growth; and

(iv) a detailed accounting of how and where the increased tuition revenues would be spent.

(b) The enrollment and revenue data required under Subsection (4)(a) shall be broken down into majors or departments if the proposed tuition increases are department or major specific.

(5) If the institution does not make a final decision on the proposed tuition increase at the meeting, it shall announce the date, time, and place of the meeting where that determination shall be made.

Amended by Chapter 90, 2010 General Session

**53B-7-102. Fiscal year.**

The fiscal year for each institution and for the board begins on July 1 and ends on June 30 in each year.

Enacted by Chapter 167, 1987 General Session

**53B-7-103. Board designated state educational agent for federal contracts and aid -- Individual research grants -- Powers of institutions or foundations under authorized programs.**

(1) The board is the designated state educational agency authorized to negotiate and contract with the federal government and to accept financial or other assistance from the federal government or any of its agencies in the name of and in behalf of the state of Utah, under terms and conditions as may be prescribed by congressional enactment designed to further higher education. Nothing in this chapter alters or limits the authority of the State Building Board to act as the designated state agency to administer programs in behalf of and accept funds from federal, state, and other sources, for capital facilities for the benefit of higher education.

(2) Subject to policies and procedures established by the board, the institutions and their individual employees may apply for and receive grants or research and development contracts within the educational role of the recipient institution. These authorized programs may be conducted by and through the institution, or by and through any foundation or organization which is established for the purpose of assisting the institution in the accomplishment of its purposes.

(3) An institution or its foundation or organization engaged in a program authorized by the board may do the following:

(a) enter into contracts with federal, state, or local governments or their agencies or departments, with private organizations, companies, firms, or industries, or with individuals for conducting the authorized programs;

(b) subject to the approval of the controlling state agency, conduct authorized programs within any of the penal, corrective, or custodial institutions of this state and engage the voluntary participation of inmates in those programs;

(c) accept contributions, grants, or gifts from, and enter into contracts and cooperative agreements with, any private organization, company, firm, industry, or individual, or any governmental agency or department, for support of authorized programs within the educational role of the recipient institution, and may agree to provide matching funds with respect to those programs from resources available to it; and

(d) retain, accumulate, invest, commit, and expend the funds and proceeds from programs funded under Subsection (3)(c), including the acquisition of real and personal property reasonably required for their accomplishment. No portion of the funds and proceeds may be diverted from or used for purposes other than those authorized or undertaken under Subsection (3)(c), or shall ever become a charge upon or obligation of the state of Utah or the general funds appropriated for the normal operations of the

institution unless otherwise permitted by law.

(4) All contracts and research or development grants or contracts requiring the use or commitment of facilities, equipment, or personnel under the control of an institution are subject to the approval of the board.

Enacted by Chapter 167, 1987 General Session

**53B-7-103.5. Uses of revenue for athletic gender equity.**

Beginning on July 1, 1998, a state institution of higher education shall annually use for the purposes described in Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq., an amount of revenue equal to the total amount of sales and use tax revenue collected under Title 59, Chapter 12, Sales and Use Tax Act:

(1) during the one-year period beginning on July 1, 1997, and ending on June 30, 1998; and

(2) on amounts paid for admission to athletic events at the institution of higher education.

Enacted by Chapter 318, 1998 General Session

**53B-7-104. Retention of net reimbursed overhead revenues.**

(1) For fiscal year 1990-91 and for each succeeding year, all budget documents for the system of higher education shall reflect retention by the institutions within the system of their net reimbursed overhead revenues for support of research and related programs under policies established by the State Board of Regents. These overhead revenues may not be considered a dedicated credit.

(2) The board, in conjunction with institutions within the system, shall provide the Legislature, through the Office of Legislative Fiscal Analyst, with a complete accounting of the net reimbursed overhead revenues on an annual basis. This accounting shall include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year.

Amended by Chapter 277, 1989 General Session

**53B-7-105. Higher education cost disclosure.**

(1) Each institution within the state system of higher education shall, at the time of registration, plainly disclose to all of its undergraduate resident students the following amounts, in dollar figures for a full-time equivalent student:

- (a) the full cost of instruction;
- (b) the amount collected from student tuition and fees; and
- (c) the difference between the amounts described under Subsections (1)(a) and (b).

(2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance was paid by state tax dollars and other money.

Enacted by Chapter 116, 2004 General Session

**53B-7-501. Purpose.**

(1) The Legislature recognizes that community colleges and established branch campuses and centers throughout the state have a special mission to provide comprehensive higher education opportunities for financially needy students, at geographically disbursed locations and at favorable tuition rates.

(2) The Legislature further recognizes that tuition and general fee costs to students at Utah community colleges and established branch campuses and centers represent significant challenges for many of the students they serve, and that additional scholarship money for financially needy students attending those institutions is needed to ensure financial access to higher education.

(3) It is the purpose of this part to establish a program of matching grants as an incentive for institutions to raise money for scholarships at community colleges, branch campuses, and centers.

Enacted by Chapter 103, 1998 General Session

**53B-7-601. Foreign bank accounts for higher education purposes.**

(1) As used in this section, "foreign depository institution" is as defined in Section 7-1-103.

(2) In accordance with Subsection 51-7-4(1)(b)(iii), a higher education institution may deposit funds in a foreign depository institution for purposes of conducting academic, research, or clinical activities in the foreign country, if the:

(a) laws of the foreign country require the money to be deposited in the foreign country; or

(b) terms of a grant, gift, or contract require the funds to be deposited in the foreign country.

(3) The foreign depository institution in which funds are deposited under this section shall meet the requirements of rules made by the State Money Management Council under Section 51-7-18.

Enacted by Chapter 388, 2013 General Session